

REMARKS/ARGUMENTS

The amendments set out above and the following remarks are believed responsive to the points raised by the Office Action dated January 21, 2005. In view of the amendments set out above and the following remarks, reconsideration is respectfully requested.

The Pending Claims

Claim 8 is added by this amendment so that claims 1-8 are pending.

Claims 1, 5 and 6 have been amended for clarity, and claim 8 has been added to describe the invention more clearly. No new matter has been added, and the basis for the claim language may be found within the original specification, claims and drawings.

New claim 8 is supported by, for example, original claim 5 and page 5, paragraph 35 of the specification. Entry of the above is respectfully requested.

The Office Action

For convenience, the following remarks will address the various comments and rejections in the same order they were raised in the Office Action.

The disclosure was objected to on the grounds of spelling and grammatical errors. The specification has been amended to correct these errors, thus obviating the objection to the specification.

Claims 1-7 were rejected under 35 U.S.C. § 103 as unpatentable over WO00/49299 to Leon et al. in view of U.S. Patent No. 6,004,065 to Higdon et al. (hereinafter referred to as, "Higdon"). In these remarks, discussion of WO00/49299 will be with reference to the U.S. national stage patent of WO00/49299, U.S. Patent No. 6,827,536 (hereinafter referred to as, "Leon"). This rejection is respectfully traversed.

Claim 1, the only independent claim, is directed toward a fastening device for holding together a stack of at least two panels, with each panel having a hole passing through it. The device comprises a female piece including a clasp consisting of a head capable of elastic deformation in the axial direction and a hollow foot which can be engaged in the holes that pass through the stack of panels and which has two tabs that can elastically separate from one another. The tabs move between an unseparated position for insertion of the foot into said holes and a separated position for holding together a stack of panels. The device also

comprises a male piece comprising a head and a shaft with a cross section in the form of a cam that can be axially inserted into said clasp, which engages between the tabs of the foot of the clasp and rotates therein, between an angular position of non-separation of the tabs and an angular position of separation of the tabs. The device also comprises a means for preventing premature rotation of the male piece in the female piece in the position of separation of the tabs, having at least one component projecting from the head of the female piece and a notch for receiving the projecting component on the periphery of the head of the male piece in the position of separation. The component comprises a finger which can be moved by intentional action between a position of engagement in the notch and a position of disengagement from said notch, when the male piece and the female piece occupy their relative angular position with respect to the separation of the tabs.

The Office Action characterized the tabs 70 of Higdon as resilient, axially deflectable, tab-like components that extend from a female piece and the recess 68 as a notch in the head of a male piece. The Office Action also characterized the tabs 70 as engaging the recess 68 so as to prevent accidental rotation of the male piece within the female piece. According to the Office Action, it would have been obvious for one of ordinary skill in the art to modify the fastening device taught by Leon to comprise the resilient finger components on a female piece and a notch on one of a plurality of head elements on a male piece as allegedly taught by Higdon. The Applicants respectfully disagree.

In order to establish a *prima facie* case of obviousness, there must be some motivation to combine the cited references. Obviousness cannot be predicated on a mere combination of isolated elements from each of the cited references based on hindsight without some motivation to combine or modify the references. Moreover, the claimed invention must be considered as a whole. It is respectfully submitted that the skilled person would not be motivated to modify Leon in view of the teachings of Higdon in order to arrive at the claimed invention.

The device of Leon has a structure and mechanism of operation very different from those of the device disclosed in Higdon. Leon discloses a device for assembling two panels and formed by a male part and a female part, designed to be inserted into bores provided in these panels, the female part being constituted by an elastically deformable clip provided with a cap (abstract). The device of Leon fastens the panels together by insertion of a female piece

including an inserted male piece into the holes of the two or more panels to be assembled (e.g., Figures 3-5).

Higdon is directed to a locking clip system. In contrast to Leon, the system of Higdon comprises a clip assembly 30 that includes a preassembled clip including member 40 and washer member 50 which are fastened by a screw 36, which is threaded in the hole 72 in the desk top 12 (Figure 1; col. 3, lines 43-50). After the clip assembly 30 is secured to the panel member 12, the panel member 12 is aligned with the pedestal 14 and the washer portion 58 of the washer member 50 is placed in the enlarged opening portion 32 of keyhole slot 22 in pedestal 14 (Figure 2; col. 3, lines 50-57). The desk top 12 and pedestal 14 are only secured to one another when the desk top 12 is pushed so that the washer portion 58 is moves from the enlarged opening portion 32 to the reduced size opening 34 of the keyhole slot 22 in pedestal 14.

Unlike Leon, the device of Higdon does not comprise a female piece including an inserted male piece passing through the holes in the two or more panels to be assembled. In contrast, the device of Higdon only secures the two panels together by pushing the washer portion 58 into the reduced size opening 34 of the pedestal 14, not by inserting a female piece including an inserted male piece into the holes of the two or more panels to be assembled, as in Leon.

Thus, the device of Higdon has such a vastly different structure and mechanism of operation from the device described in Leon that one of ordinary skill in the art would not be motivated to modify Leon to have the tabs 70 or the recesses 68 of Higdon.

A *prima facie* case of obviousness also requires that all of the limitations of the claim must be taught or suggested by the references (M.P.E.P. § 2143.03). It is respectfully submitted that the combination of Leon and Higdon does not teach all of the limitations of claims 6-7.

Claim 6 requires, *inter alia*, that the immobilizing element for axial immobilization ensures immobilization of the male piece in the female piece in the compressed position of the non-separation of the tabs, allowing withdrawal of the assembly formed by the male and female pieces from the holes of the panels. The Office Action (page 3, lines 15-16) apparently characterized the second washer portion 56 as this immobilizing element. However, neither this second washer element 56 nor any other structure disclosed in Leon or Higdon meets the requirements of claim 6 because no structure on the Higdon device makes

it possible to withdraw the assembly formed by the male and female pieces from the holes of the panels. The “panels” recited in claim 6 refers to the “at least two panels” in claim 1. As seen in Figures 1 and 2 of Higdon, it is not possible to withdraw the clip member **40** and the washer member **50** through both holes of the panels, nor is there any structure that makes it possible to do so.

Claim 7 requires, *inter alia*, that the immobilizing element has on its periphery, portions projecting in the radial direction of the device, which, in the position of axial pressing of the male piece into the female piece pass through a hollow of the head of the female piece and engage behind portions for delimiting the hollow in the head in the positions angularly offset from the position of compression and separation of the tabs. Assuming, *arguendo*, that the second washer member **56** can be characterized as an immobilizing element, it has no such portion on its periphery projecting in the radial direction of the device, as claimed in claim 7.

New claim 8 is also patentable over the combination of Leon and Higdon. Neither Leon nor Higdon disclose or suggest an immobilizing element comprising two lateral protuberances which are diametrically opposed and peripheral cutouts which allow passage of the immobilizing element without hindrance by the finger when the male piece is pressed into the female piece, as claimed in claim 8. The second washer member **56** of Higdon cannot meet this limitation because it is round and includes no protuberances or peripheral cutouts, as claimed in claim 8. Because the combination of Leon and Higdon does not disclose all of the limitations of claim 8, claim 8 is patentable over Leon and Higdon.

For the reasons set forth above, reconsideration of the rejections is respectfully requested.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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